

AMENDED IN SENATE JANUARY 14, 2008

AMENDED IN SENATE MAY 17, 2007

AMENDED IN SENATE MAY 8, 2007

AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 17, 2007

SENATE BILL

No. 578

Introduced by Senator Simitian

February 22, 2007

~~An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment. An act to amend Section 8670.29 of the Government Code, relating to oil spills.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as amended, Simitian. ~~Environment: high production volume chemical.~~ *Oil spill contingency plan.*

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the discretion of the Governor, to implement activities relating to oil spill response, including drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government.

The act requires every owner or operator of specified marine facilities and owners or operators of certain vessels to prepare and implement an oil spill contingency plan containing specified provisions that has been submitted to, and approved by, the administrator. With respect to a marine facility, the act requires the plan to include provisions for

training and drills on elements of the plan at least annually and provisions for subjecting all elements of the plan to drills or tests, as specified by the administrator, at least once every 3 years.

This bill would revise the requirements of the plan, with respect to a marine facility, to instead require the plan to include provisions for training and drills on all elements of the plan at least annually and provisions for subjecting all elements of the plan to tests, as specified by the administrator, at least once every 3 years.

~~Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request a business to submit the information required to be submitted in the toxic chemical release form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).~~

~~This bill would require a manufacturer of a high production volume chemical, by October 1, 2008, to submit to the Department of Toxic Substances Control, in an electronic format specified by the department, any environmental health information that the manufacturer previously submitted, on or after January 1, 2000, to the High Production Volume Challenge Program conducted by the Environmental Protection Agency or to any foreign government. A manufacturer would be required to submit to the department, by October 1, 2009, and on or before October 1 annually thereafter, the information the manufacturer submitted to those entities the previous calendar year.~~

~~The bill would require the department, by January 1, 2009, to adopt regulations that establish requirements for the environmental health information that a manufacturer is required to provide to the department. The department would be required, by October 1, 2009, to determine the technical feasibility of adopting regulations to require a manufacturer of a high volume production chemical to provide additional information relating to that high volume production chemical's ability to contribute to certain health effects and a manufacturer would be required to submit to the department, in an electronic format specified by the department, this environmental health information.~~

~~The department would also be required, by October 1, 2009, to establish a system for tracking the manufacture and use of high production volume chemicals in the state and would be authorized to require a manufacturer to supply this information.~~

~~The department would be required to establish a fee schedule specifying the amount of the fees that a manufacturer would be required to pay when submitting information to the department. The department~~

would be required to deposit all fees collected in an appropriate subaccount in the High Production Volume Chemical Account, which the bill would create in the State Treasury. The department would be authorized to expend the fee revenues, upon appropriation by the Legislature, to implement the bill's requirements.

The bill would authorize the Director of Toxic Substances Control to exempt, from requirements of the bill, a high volume production chemical for which the manufacturer can make a specified demonstration.

The bill would prohibit a manufacturer of a high production volume chemical who does not comply with the bill's requirements, as determined by the department, from manufacturing that high production volume chemical within the state, importing that high production volume into the state, incorporating that high production volume chemical into an article within the state, or using that high production volume in a commercial process or application in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8670.29 of the Government Code is
2 amended to read:
3 8670.29. (a) In accordance with the rules, regulations, and
4 policies established by the administrator pursuant to Section
5 8670.28, every owner or operator of a marine facility, small marine
6 fueling facility, or mobile transfer unit, prior to operating in the
7 marine waters of the state or where an oil spill could impact marine
8 waters; and every owner or operator of a tank vessel, nontank
9 vessel, or vessel carrying oil as secondary cargo, before operating
10 in the marine waters of the state, shall prepare and implement an
11 oil spill contingency plan that has been submitted to, and approved
12 by, the administrator pursuant to Section 8670.31. Each oil spill
13 contingency plan shall ensure the undertaking of prompt and
14 adequate response and removal action in case of an oil spill, shall
15 be consistent with the California oil spill contingency plan, and
16 shall not conflict with the National Contingency Plan.
17 (b) Each oil spill contingency plan shall, at a minimum, meet
18 all of the following requirements:

1 (1) Be a written document, reviewed for feasibility and
2 executability, and signed by the owner or operator, or their
3 designee.

4 (2) Provide for the use of an incident command system to be
5 used during a spill.

6 (3) Provide procedures for reporting oil spills to local, state,
7 and federal agencies, and include a list of contacts to call in the
8 event of a drill, threatened spill, or spill.

9 (4) Describe the communication plans to be used during a spill.

10 (5) Describe the strategies for the protection of environmentally
11 sensitive areas.

12 (6) Identify at least one rated OSRO for each rating level
13 established pursuant to Section 8670.30. Each identified rated
14 OSRO shall be directly responsible by contract, agreement, or
15 other approved means to provide oil spill response activities
16 pursuant to the oil spill contingency plan. A rated OSRO may
17 provide oil spill response activities individually, or in combination
18 with another rated OSRO, for a particular owner or operator.

19 (7) Identify a qualified individual.

20 (8) Provide the name, address, telephone, and facsimile numbers
21 for an agent for service of process, located within the state and
22 designated to receive legal documents on behalf of the owner or
23 operator.

24 (c) An oil spill contingency plan for a vessel shall also include,
25 but is not limited to, all of the following requirements:

26 (1) Each plan shall be submitted to the administrator at least
27 seven days prior to the vessel entering waters of the state.

28 (2) Each plan shall provide evidence of compliance with the
29 International Safety Management Code, established by the
30 International Maritime Organization, as applicable.

31 (3) If the oil spill contingency plan is for a tank vessel, the plan
32 shall include both of the following:

33 (A) The plan shall specify oil and petroleum cargo capacity.

34 (B) The plan shall specify the types of oil and petroleum cargo
35 carried.

36 (4) If the oil spill contingency plan is for a nontank vessel, the
37 plan shall include both of the following:

38 (A) The plan shall specify the type and total amount of fuel
39 carried.

40 (B) The plan shall specify the capacity of the largest fuel tank.

(d) An oil spill contingency plan for a marine facility shall also include, but is not limited to, all of the following provisions:

(1) Provisions for site security and control.

(2) Provisions for emergency medical treatment and first aid.

(3) Provisions for safety training, as required by state and federal safety laws for all personnel likely to be engaged in oil spill response.

(4) Provisions detailing site layout and locations of environmentally sensitive areas requiring special protection.

(5) Provisions for vessels that are in the operational control of the facility for loading and unloading.

(6) Provisions for training and drills on *all* elements of the plan at least annually.

(7) Provisions for subjecting all elements of the plan to ~~drills~~ or tests, as specified by the administrator, at least once every three years.

(e) The oil spill contingency plan shall be available to response personnel and to relevant state and federal agencies for inspection and review.

(f) The oil spill contingency plan shall be reviewed periodically and updated as necessary. All updates shall be submitted to the administrator pursuant to this article.

(g) In addition to the regulations adopted pursuant to Section 8670.28, the administrator shall adopt regulations and guidelines to implement this section. The regulations and guidelines shall provide for the best achievable protection of coastal and marine resources. The administrator may establish additional oil spill contingency plan requirements, including, but not limited to, requirements based on the different geographic regions of the state. All regulations and guidelines shall be developed in consultation with the State Interagency Oil Spill Committee and the Oil Spill Technical Advisory Committee.

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
May 17, 2007 (JR11)**

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